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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,523	05/25/2001	WALTER R. KLAPPERT	600253-002	4790
61834	7590	04/06/2007		
DREIER LLP 499 PARK AVE NEW YORK, NY 10022			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/866,523	<b>Applicant(s)</b> KLAPPERT ET AL.	
	<b>Examiner</b> Reuben M. Brown	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection. Examiner notes that in the 2<sup>nd</sup> paragraph on page 2, applicant's argues that "embodiments of the present invention... provides look-and-feel interactivity without transmission from the client set top box to the headend server", emphasis added. However, it is pointed out that no such requirement is recited in the claims.

Applicant also argues on page 5 that "Applicant disagrees with Examiners position that Mourad discusses document and object linking, as well as the disclosure of hypertext links...A review of Mourad fails to reveal a discussion of the use of hypertext links...Mourad does not discuss systems and methods for providing an interactive look-and-feel in a playing device receiving a digital broadcast as claimed". This argument is moot in view of the new grounds of rejection (Kikinis). As for the claimed, 'interactive look-and-feel in a device receiving a digital broadcast as claimed', this feature is met by the disclosure of Adams, col. 4, lines 5-58.

It is noted that the base reference, Adams provides a teaching of displaying interactive graphical icons 44 on a video display surface 50, (Fig. 1; col. 4, lines 45-65). Additionally Adams discloses that the associated data packets includes commands for execution upon selection of the specified region by a viewer using the mouse pointing device, col. 8, lines 55-67

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thru col. 9, lines 1-10. Adams merely lacks an explicit disclosure that the executed commands may include links to more audio, video or binary data. Kikinis is a generic teaching, which meets the claimed subject matter.

Applicant also argues on ages 5-6 that there is no motivation to combine references to Peairs, since the instant reference is directed to a document processing. First of all, it is pointed out that Peairs reads on the claimed subject matter, col. 4, lines 48-60. Applicant's argues that there is insufficient motivation to combine the references with Peairs. In particular, applicant asserts that processing of a document pages in Peairs to yield iconic document pages do not lend themselves to use on video distribution system of Adams, where content is being continually broadcast, as opposed to being stored and transmitted as discrete documents as discussed by Peairs.

Examiner respectfully disagrees with applicant's assertion since the icon serializing feature keeps a running count of the number of icons, for instance on a guide page. Peairs discloses that the serialized number attached to each icon may be used in order to place the icons in some sort of sequential order, as one example of the usefulness, see col. 4, lines 48-67. Thus operating Peairs within the environment of Adams and Kikinis would simply represent information relevant for each display screen of video that displays particular sets of icons, i.e., hot spots.

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Therefore the question of whether this information is generated in a manner applicable for continuous video (as in Adams & Kikinis) is not dispositive, since the subject matter in Peairs is directed to the pre-broadcast phase, just as in Adams & Kikinis the icons or images that represent hot-spot are to be created prior to being used for display at the user, i.e., in a pre-broadcast phase as well. The icon of Peairs, (which are a reduced page of a document) corresponds with the graphic/icons in Adams and the interactive icons in Kikinis. In other words, the icons and graphics in Adams & Kikinis are generated prior to being displayed on the video screen; therefore the modified operation according to Peairs would also take place prior to insertion in the video, and would not present a scheduling conflict. Applicant is directed to Kikinis which discloses that at least one embodiment of the invention relates to pre-recorded material in which editing takes place prior to broadcast, see col. 10, lines 5-18.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, (U.S. Pat # 5,541,662), in view of Kikinis, (U.A. Pat # 5,929,849), and further in view of Peairs, (U.S. Pat # 6,182,090).

Considering claim 1, the claimed system for providing an interactive look-and-feel in a playing device receiving digital information:

Regarding the claimed, 'signal generator which generates a digital signal comprising interleaved bits of at least one audio, video and binary data for play on a playing device, and private data', Adams teaches that the interactive video system transmits a digitized video data packet 80 interleaved with an audio data packet 82 and associated data packet 84, see col. 7, lines 1-37 & Fig. 4-5. Adams does not discuss the transmission mechanism, however, the claimed 'signal generator' is inherent in Adams.

The claimed 'private data that includes an event identification for the at least one audio, video or binary data for linking to additional at least one audio, video or binary data, such that each hot-spot is linked to at least one of the additional audio, video or binary data, wherein the link data includes a set of coordinates defining a location on the playing device', reads on Adams, which teaches that the commands included in the associated data packet 84 includes the coordinates and position of graphics/icons on the display, col. 7, lines 31-65 & col. 8, lines 64-67 thru col. 9, lines 1-5. As for the claimed, 'synchronization time', Adams discloses that the data packets include a Time Stamp that is used to synchronize the audio, video and associated data

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packets 80-84, see col. 7, lines 15-20. The Link Data reads on the disclosure in Adams of 'commands that specify functions performed if a user selects the selection windows', see col. 3, lines 5-9; col. 6, lines 54-58; col. 8, lines 64-67.

However, Adams does not explicitly state that the graphic/icon is linked to an additional audio/video/graphic data. Nevertheless, Kikinis provides a standard teaching on the use of hypertext links, within a TV program, (Abstract; col. 5, lines 15-26; col. 7, lines 56-67; col. 8, lines 1-22. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to operate Adams in a manner that the graphic icons are linked to additional data, at least for the desirable advantage of combining Internet content with standard TV, as discussed by Kikinis, col. 1, lines 10-67 thru col. 2, lines 1-60.

As for the additionally claimed feature of the 'private data' including 'an indication of the number of hot-spots', Adams does not discuss such a feature. Nevertheless Peairs, which is in the same field of endeavor, teaches that when multiple interactive icons are placed on a page or document that it is advantageous to keep track of the total icons, at least by providing each icon with a sequential number, Abstract; col. 4, lines 35-65. The icons discussed in Peairs corresponds with graphics/icons disclosed in Adams & Kikinis. It would have been obvious for one of ordinary skill in the art, at the time the invention was made, to modify Adams with the feature of numbering the interactive icons, which reads on the claimed 'hot-spots', for the desirable improvement of indexing the content on the page, which may allow the hot-spots to be presented in a sequential manner, if so desired by the system, as taught by Peairs.

The claimed 'means for broadcasting the digital signals', is inherent in Adams since the digitized data packets are transmitted in the system.

The claimed 'receiver which receives the digital signal at the user locations, and plays at least one of audio, video or binary data on the playing device, and selectively features the hot-spots', reads on the operation of the computer system 10 of Adams, see col. 4, lines 15-50 & col. 5, lines 10-67 thru col. 6, lines 1-41.

Considering claim 2, 'wherein the set of coordinates defines two or more points, and wherein the receiving device comprises a processor', Adams teaches that the selection information includes the height and width, which requires more than two points. The claimed processor is met by the operation of the processor 52, see Fig. 2; col. 5, lines 25-64; col. 8, lines 35-40.

Considering claim 3, the claimed private data enabling a plurality of portions of the broadcasted signal to be separately selectable, reads on the coordinates of each graphic icons that are selectable, separate from each the other, a taught by Adams. Also see Kikinis, col. 7, lines 15-58.

Considering claim 4, since the data in Adams is transmitted as a stream, and the receiver 10 continues to receive the data, the claimed subject matter is met by Adams, see col. 8, lines 31-



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63. Adams discloses that the video, audio & associated data packets include the Time Stamp data, see Fig. 5.

Considering claim 5, Adams teaches the data may be transmitted in MPEG format; see col. 4, lines 5-14, which require an MPEG encoder at the transmitter and decoder at the receiver, in order for the system to properly operate. Also, see Kikinis col. 5, lines 41-55 & col. 7, lines 15-28.

Considering claim 6, the time-code in Adams is used to synchronize graphics/text/audio data with video data, and meets the claim, col. 7, lines 15-21 & col. 8, lines 54-58.

Considering claim 7, the claimed method for providing an interactive look-and-feel, comprises steps that correspond with subject matter mentioned above in the rejection of claims 1, and is likewise analyzed.

Considering claims 8-11, Adams meets the claimed subject matter, col. 7, lines 9-37.

Considering claim 12, Adams teaches that the broadcast signal may be transmitted in analog form, and converted to digital form at the receiver system 10, see col. 4, lines 15-67.

Considering claim 13, the claimed subject matter is consistent with the operation of Adams & Kikinis, and reads on selecting a graphic icon, which links to additional information.

Considering claim 14, the claimed processor reads on the processor 52 in Adams.

Considering claim 15, the receiver 10 in Adams meets the claimed subject matter, Fig. 5 & Fig. 6.

Considering claim 16 Adams decodes the private data.

Considering claim 17, the computer receiver 10 is connected to a display device 12 in Adams, Fig. 1.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's claims.

A) Throckmorton Teaches transmitting video data, as well as an associated data stream to a subscriber, which is used to present selectable Internet icons, to the user, col. 4, lines 52-67; col. 6, lines 28-62

B) Field Interactive HTML pages transmitted with a TV signal.

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**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
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**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**


(571) 273-7290 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

  
**REUBEN M. BROWN**  
**PATENT EXAMINER**